

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PATRICIA KAY DUDLEY,

Plaintiff,

v.

EAST TEXAS EDUCATIONAL
INSURANCE, et al.,

Defendants.

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Case No. 6:24-cv-246-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Patricia Kay Dudley brings this pro se lawsuit alleging claims of negligence and breach of contract against Defendants. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On July 27, 2024, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case without prejudice for lack of subject matter jurisdiction. Docket No. 10. In response, Plaintiff filed a motion to retain the case on the docket on August 9, 2024 that the Court construes as her written objections. Docket No. 11.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


Plaintiff's objections do not respond to the Report's finding that Plaintiff has not established subject matter jurisdiction. Instead, Plaintiff addresses the merits of her claims and identifies her objections to an administrative decision made on her application for worker's compensation benefits.

As the Report explains, the pleadings in this case do not establish a basis for diversity jurisdiction pursuant to 28 U.S.C. § 1332 or federal question jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiff states that she is pursuing state law claims for negligence and breach of contract, but she does not allege facts showing diversity of citizenship among the parties. Plaintiff's pleadings provide Texas addresses for all parties. Accordingly, the pleadings do not show a basis for federal subject matter jurisdiction.

Having conducted a *de novo* review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 10) as the opinion of the District Court. This case is **DISMISSED** without prejudice for lack of subject matter jurisdiction.

So ordered and signed on this

Aug 15, 2024


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE